

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

AARON D. SONDBEROTH,)	
)	
Plaintiff,)	
)	
vs.)	Case No: 3:19-cv-01105
)	
ILLINOIS CENTRAL RAILROAD)	
COMPANY)	JURY TRIAL DEMANDED
)	
Serve at: Illinois Corporation Service)	
801 Adlai Stevenson Drive)	
Springfield, IL 62703)	
)	
Defendant.)	

COMPLAINT
COUNT 1

COMES NOW Plaintiff, AARON D. SONDBEROTH, by and through his attorneys, Kujawski & Associates, LLC, and for his Complaint against Defendant, ILLINOIS CENTRAL RAILROAD COMPANY, states as follows:

1. That the jurisdiction of this Court is based upon an Act of Congress of the United States, being the Federal Employers' Liability Act, 45 U.S.C. Sections 51 et. seq., as hereinafter more fully shown.

2. That at all times mentioned herein, Defendant, ILLINOIS CENTRAL RAILROAD COMPANY (*hereinafter referred to as "the Defendant Railroad"*), was controlled, operated and maintained in interstate commerce and engaged in transporting interstate commerce by rail between various states, including Illinois and Tennessee.

3. That on or about March 8, 2018, or on a date known more certainly to the Defendant Railroad, and at all times mentioned herein, the Plaintiff, AARON D. SONDGEROTH (*hereinafter referred to as "Plaintiff"*), was employed as a Conductor for the Defendant Railroad.

4. That at all times mentioned herein, all or part of the duties of Plaintiff as such an employee furthered interstate commerce conducted by the Defendant Railroad or in some way directly or substantially affected said commerce.

5. That on or about the above-said date, and at all times relevant herein, Plaintiff was employed by the Defendant Railroad as a Conductor and as such was in the performance of his duties in Rialto, Tennessee.

6. That on or about March 8, 2018, or on a date known more certainly to the Defendant Railroad, Plaintiff was injured while attempting to release a flat car hand brake on IC 910317 in Defendant Railroad's Intermediate Track in Rialto, Tennessee.

7. That at said time and place, Defendant Railroad, by and through its agents, servants and employees, negligently and carelessly committed one or more of the following negligent acts or omissions, to wit:

- (a) Failed to provide Plaintiff with a reasonably safe place in which to work;
- (b) Failed to provide Plaintiff with a reasonably safe manner within which to do his work;
- (c) Allowed to be used on its flat car, a defective hand brake;
- (d) Allowed to be used on its flat car, a hand brake which failed to function;

- (e) Failed to provide Plaintiff with a use of an efficient flat car hand brake;
- (f) Failed to inspect, maintain and repair its flat car hand brake;
- (g) Violated its internal rules, policies, procedures and manuals with respect to inspection, maintenance and repair of hand brakes;
- (h) Allowed the unsafe practice to become the common practice.

8. That as a result, in whole or in part, of one or more of the above and foregoing acts or omissions on the part of the Defendant Railroad, Plaintiff, while in the performance of his duties as a Conductor, and in connection with and in the course and scope of his employment, was caused to become severely injured as he attempted to release a defective flat car hand brake, causing Plaintiff to sustain severe and permanent injuries to wit: injuries to the muscles, tendons, ligaments, nerves, soft tissues, vertebrae, joints, and discs of the spine; that Plaintiff has sustained pain and suffering in the past, and is reasonably certain to experience pain and suffering in the future as a result of said injuries; that Plaintiff has incurred permanent disfigurement and disability resulting from said injuries; that Plaintiff has incurred a past and future permanent loss of earning capacity; that Plaintiff has become obligated in the past for medical expenses resulting from his injuries and will be obligated in the future to expend large sums of money for necessary medical care, treatment and services; all to Plaintiff's damages.

WHEREFORE, Plaintiff, Aaron D. Sondgeroth, prays judgment against Defendant, ILLINOIS CENTRAL RAILROAD COMPANY, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) adequate to fairly and reasonably compensate him

for damages sustained herein plus costs of this suit, plus pre-judgment interest, plus any further relief this Court deems just and proper.

PLAINTIFF DEMANDS TRIAL BY JURY

COUNT II

1-6. Plaintiff incorporates by reference paragraphs 1-6 of Count I.

7. That at said time and place, Defendant Railroad, by and through its agents, servants and employees, violated the Safety Appliance Act, 49 U.S.C. Section 20302, in that Defendant:

- (a) Failed to provide an efficient hand brake on its flat car IC 910317;
- (b) Allowed to be used on its flat car IC 910317, a hand brake which failed to function.

8. That as a result, in whole or in part, of one or more of the above and foregoing acts or omissions on the part of the Defendant Railroad, Plaintiff, while in the performance of his duties as a Conductor, and in connection with and in the course and scope of his employment, was caused to become severely injured as he attempted to release a defective flat car hand brake, causing Plaintiff to sustain severe and permanent injuries to wit: injuries to the muscles, tendons, ligaments, nerves, soft tissues, vertebrae, joints, and discs of the spine; that Plaintiff has sustained pain and suffering in the past, and is reasonably certain to experience pain and suffering in the future as a result of said injuries; that Plaintiff has incurred permanent disfigurement and disability resulting from said injuries; that Plaintiff has incurred a past and future permanent loss of earning capacity; that Plaintiff has become obligated in the past for medical expenses resulting

from his injuries and will be obligated in the future to expend large sums of money for necessary medical care, treatment and services; all to Plaintiff's damages.

WHEREFORE, Plaintiff, Aaron D. Sondgeroth, prays judgment against Defendant, ILLINOIS CENTRAL RAILROAD COMPANY, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) adequate to fairly and reasonably compensate him for damages sustained herein plus costs of this suit, plus pre-judgment interest, plus any further relief this Court deems just and proper.

PLAINTIFF DEMANDS TRIAL BY JURY

Respectfully submitted,

KUJAWSKI & ASSOCIATES, LLC

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